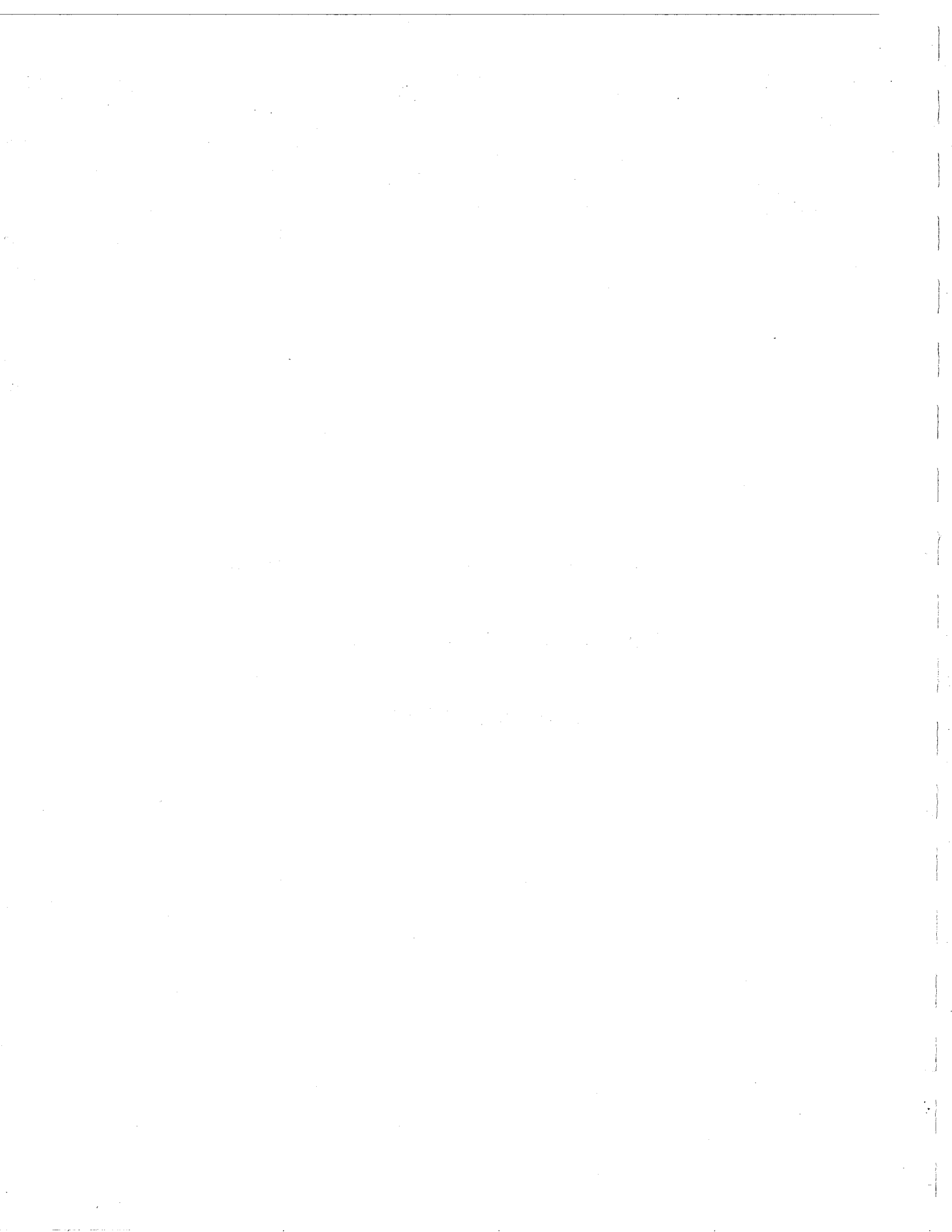


Muncie Delaware County Humane Society

Proposal for Animal Control

January, 2009



The Muncie Delaware County Humane Society proposes to contract with the City of Muncie and Delaware County to provide Animal Control Services. This would include the entirety of Delaware County.

The benefits of this proposal include but are not limited to:

1. Cost Savings
2. New Shelter
3. Community access
4. Economic Development
5. Better service
6. Better availability

Who are we?

The Muncie Delaware County Humane Society [MDCHS] was created by a group of concerned citizens for the purpose of providing Animal Control to the City and the County and to build a new Animal Shelter. Board members and their credentials have been provided in the back of this paper.

Why was this done?

The reasons are numerous, the first of which is the belief that the private sector can provide the needed services more efficiently and cost effectively than a government entity — not for lack of professionalism on the current shelter's part, but for economic restraints in government budgets.

The City Shelter was built in the 1990's and is approximately 3,000 square feet on land measuring maybe an acre. It is situated in a neighborhood that is not heavily traveled and is difficult to find. It has 4 employees and it's hours are limited.

What we propose would include a 10,000 sq. ft. building on 12 acres of land with walking paths, trails and room for additional economic development. The shelter would be fully staffed, state of the art, and easily accessible.

The County does not have a shelter, but contracts for the services of the Henry County Animal Shelter. This arrangement provides a shelter, but in addition, the county pays an individual to pick up animals in unincorporated areas of the county when called.

The costs respectively are approximately \$450,000 and \$83,000.

For this amount, the community has minimal public access, restricted hours of availability and antiquated trucks and equipment, animals needing to be put down for lack of space, and budget busting futures to anticipate.

Savings to the City over the next 8 years, based on 2008 figures would be \$1,850,000. The County would save over \$189,000 during those years and have a professional, staffed, functioning shelter within the county limits.

How was this done...

I received a call from Terri Panzi, owner and developer of Animal rescue Fund (ARF) in June, 2008. We spoke at length about efforts I had headed years before to improve Animal Control in our county and the need for those efforts to be revisited. She said she had mentioned my name to the Mayor and asked me to also call the Mayor and see if I could not try again somehow. The conversation was that vague and yet that specific: Animal Control was inadequate and costly with great likelihood of getting worse ... she begged for help.

I did call the Mayor and discussed how much time and effort had been expended the last time, and that I would be unable to commit years of my time to a lost effort. She assured me of her support and encouraged me to pursue the idea of a new system. No specifics of any kind were discussed at that time. I said I would get back to her.

I proceeded to call people I knew from previous community work that also had a commitment to safe and healthy treatment of animals. I asked them all to lunch at Delaware Country Club in July for the purpose of discussing the pros and cons as well as the feasibility of offering privatized Animal Control.

We decided to organize as the Muncie Delaware County Humane Society in August, 2008. Before presenting our idea to anyone, we needed to do our research and planning.

I met with Tom Bennington, Mayor McShurley and Ron White thereafter and began the conversations about our idea ... At that meeting the Mayor and Commissioner Bennington agreed to split the cost of a consultant (Henry County Humane Society) to help us get this idea formulated and presented effectively.

The Mayor called a special meeting of the City Council in September of 2008 for the purpose of getting the information out and to begin discussions on how this plan would work. A slide presentation was done and then the floor was open for questions and answers. The meeting lasted 1 1/2 hours.

We have met with the Commissioners and the Mayor extensively in an effort to get the questions answered and the program understood.

Muncie Delaware County Humane Society (MDCHS) is a private entity requesting a contract for services for the City and the County. As such, the building and the land would not be the risk of the municipalities [with the exception of the inherent and measured risk associated with the bond if approved]. Environmental issues would actually be lifted from the responsibility of the city, not added.

As a private entity that is sensitive to the needs of the Councils, the Commissioners and the Mayor to be certain of our financial viability and professional delivery of services to the community, the MDCHS would agree to a reasonable reporting system to satisfy those needs.

We initially established ourselves as an LLC and applied for the 501c3 status. We had been assured that one is a format and one is a process and both are appropriate in this instance. We have since organized as a corporation and have the application pending for 501c3 status which we have held until there is certainty of proceeding successfully.

While no taxes would be paid on the land, no taxes are currently being paid on the shelter land. We would however add to economic development and employ several more than the city and county currently employ at competitive wages.

This will be a private project. Once approved, the work will be let by a bidding process to be approved by the MDCHS Board of Directors.

What we propose

We will provide 24/7 Animal Control for the city and the county's unincorporated areas for a fee. We will contract for those fees so that government budget processes can be planned. During a 25 year agreement, the MDCHS will build a state of the art Animal Shelter to be opened to the public in a campus environment. This location will have easy access and great potential for further development. The MDCHS will remain accountable to the City and County Councils for providing a well maintained, open environment that meets the standards of good, clean, healthy and safe animal control. While the contract would be for a 25 year period, an annual review of standards maintained by MDCHS would be provided. Serious breach of the agreed upon quality as defined in the agreements could jeopardize the MDCHS contract, for example.

Staffing would be approximately 13 individuals to begin with, including the Director. Salaries would range from above minimum wage for part timers to above similar community salary ranges for the Director.

Professional development of these employees will be a priority. New vehicles will be purchased. The shelter will be built based on state of the art materials, design and economic considerations. It will be well lit, full of sunshine, fresh air and a healthy environment for the animals. It will be people friendly, safe and welcoming ... the hours will be substantially expanded from the current shelter.

Costs to the City and County will be fixed for a 5 year period, and will only increase by an inflation factor thereafter during the 25 year contract. A domestic animal licensing/registration process will be put into place to offset costs.

Where would this be?

Julie Bering was able to find a parcel of land that is partially owned by the city and partially owned privately. This ground would provide a campus environment in an area where the community would benefit from foot traffic ... It is easily accessible, sufficiently distant from any residential area and would add a tremendous amount to the community in terms of potential economic development. We foresee businesses wanting to locate in that area to serve the citizens visiting for any number of reasons above and beyond animal control and sheltering. We project there could be a dog park atmosphere, walking trails, sufficient room to grow ... the ideas are limitless and all positive.

We needed to determine if the ground was healthy enough to receive as a gift for our intended purpose. We ordered the Phase 1 and Phase 2 testing paid for 50/50 by the city and the county. This land is currently unused and not creating any taxes for the city or county.

This Phase 2 report acknowledged only a small part of the proposed land as having an issue, minor in it's impact to the idea ... It is perfect for the proposed new shelter.

This effort will involve infrastructure work, funding, gifting of land and a contractual agreement to provide the Animal Control for the City and the County for a 25 year period. It will involve some political cooperation to complete the process.

We have consistently revised our plans to reflect research done across the country on animal shelters. We believe we have an affordable, state of the art facility plan for our community.

Issues we have heard and our response

1. Issue: Animal control should not be privatized

Part of the letter of intent for this idea includes a commitment to provide a healthy, professional and effective Animal Control program in return for the contract for services. We can devise a format for reporting and accounting for ourselves so long as it is not a process which could be undone for political purposes only.

Many portions of the proposed shelter will be open to the public. It's location and outside plan provide for a lot of people seeing what is going on regularly.

We are open to any audit system or credential process over and above what is required by the state and will cooperate fully in it's work. The MDCHS will provide a thorough report to both councils and the Commissioners and the Mayor yearly which will include but is not limited to a certification from an independent CPA as to our financial health. The director will be responsible for this report which will be approved and signed by the President of the Board attesting to numbers of animals taken in, adopted, euthanized that year. We will also report any experiences related to good management, future plans, concerns or any other subject area needed. The Board will be committed to being responsive to questions forwarded by the City or County councils or the Commissioners or Mayor at any time.

2. Issue: County Option Dog Tax

In 2006, the State of Indiana adopted the provision for the County Option Dog Tax. With that action, municipalities that by that time did not have a licensing system in place [Delaware County and the city of Muncie did not] were prohibited from implementing one until the CODT was in place.

The CODT (I.C. 6-9-39 to I.C. 6-9-39-9) basically says the following:

- A. This must be on the books first on the County side
- B. It will state that Delaware County must collect an amount of not more than \$5 per year for each taxable dog.
- C. 20% would go to canine research and education account (Purdue)
- D. 80% as designated by the County
- E. 75 cents to a designee

The proposed ordinance is on the following page.

Once that is on the books of the County, the full packet of Ordinances presented by the MDCHS (including the licensing provisions) would need to be adopted by both the County and the City [the ordinances need to be the same].

ORDINANCE No. 2009 _____

AN ORDINANCE TO ESTABLISH COUNTY OPTION DOG TAX

WHEREAS, it is the responsibility of the Delaware County Council to consider and adopt "County Option Taxes"; and

WHEREAS, the Council has reviewed Indiana Code Sections 6-9-39-1 through Sections 6-9-39-9; and

WHEREAS, Section 6-9-39-3 provides that the fiscal body of a county may adopt an ordinance to impose a tax on a person who harbors or keeps a taxable dog in or near the person's premises, regardless of who owns the taxable dog; and

WHEREAS, Section 6-9-39-3 (b) provides a tax imposed under this section may not exceed five dollars (\$5) per year per taxable dog; and

WHEREAS, Section 6-9-39-3 (c) provides that the maximum amount of county option dog tax per year that may be imposed for taxable dogs kept in a kennel for breeding, boarding, training or sale shall be in an amount equal to the lesser of:

- (1) the county option tax liability calculated without regard to this subsection for taxable dogs kept for such proposes; or
- (2) for a kennel in which more than six (6) taxable dogs are kept for such purpose the tax shall not exceed fifty dollars (\$50); and

WHEREAS, Sections 6-9-39-5 through 6-9-39-9 provide for the establishing of procedures for the collection, accounting, use and distribution of said tax.

THEREFORE, BE IT ORDAINED by the County Council of Delaware County, State of Indiana, that:

1. Following the provisions of Indiana Code Sections 6-9-39-1 through 6-9-39-9 a County Option Dog Tax be imposed upon taxable dogs found within the County and that the procedures provided for in the Code for the collection, accounting, use and distribution of said tax be established and that the County Fiscal Body request that the Delaware County and Municipalities within the County adopt an ordinance implementing a licensing system for dogs.

3. This Ordinance shall be effective when passed.

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST:

President

Delaware County Auditor

3. Issue: Will the current City Employees at the Shelter be hired?

Yes. We told the Mayor that, if the current employees at the shelter wanted to be employed by us, we would hire them at our wages and benefit programs where applicable.

At this time we are projecting 13 full time employees and 4 part time employees. The wages will be competitive in the private sector.

4. Issue: Licensing

The licensing system we propose will not preclude any owner from compliance but for those reasons controlled by the state (i.e. rabies vaccines) plus the minimal requirements of our proposed system.

5. Issue: Authorities

There were concerns expressed about one individual not be given the authority to determine a vicious animal. It is important to point out that currently, both for the City and the County, it is indeed one individual now and in neither case, are there animal control credentials for those individuals to guide that decision.

6. Issue: Input from animal groups

This community has experienced great emotion any time animal control is discussed in public. The likelihood of reaching a consensus with all is remote. However, expertise has been sought in this effort, and our policies will be based on good,

sound animal control experience.

7. In context of how this developed, the ordinances were not delivered last minute but were originally offered at year end in an effort to provide Animal Control from the first of the year, 2009.

8. Issue: Police Powers

There are no police powers requested. The MDCHS would enforce ordinances by virtue of citations and fines. Animal Control through the MDCHS is not law enforcement any more than the current situation provides. Decisions concerning the labeling of an animal 'vicious' or 'dangerous' will be made in keeping with the policies of MDCHS and all such decisions will be subject to review by the Board of Directors of MDCHS.

9. Issue: Refusal to license

One would not need to be a client of a local veterinarian to apply for the license. And, not all vets are presumed to be interested in collecting the licensing fee. For those that are, it is meant to be a convenience for the animal owner and not a regulatory arrangement.

11. Provisions for kennels can be reviewed if it presents an issue with kennels that merely board for longer than 3 days.
12. The provisions in the ordinances related to Animal establishments and rescue groups being charged an annual fee mirrors current law and was requested by Dr. Volpp to remain in place. The intent is to preserve the quality of animal treatment in our community via an audit process which currently exists.

13. The 25 year agreement is necessary because the MDCHS is making a 25 year agreement to build a shelter and pay the bill.
14. Ordinances for the City and the County must be identical.

City Ordinances

**ANIMAL CONTROL ORDINANCES
2008 (11/8/08)**

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GENERAL PROVISIONS

90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“AMATEUR BREEDER.” Any person, not a commercial animal establishment, who allows his dog or cat to breed with another and does not keep the offspring.

“ANIMAL.” Any live, nonhuman vertebrate creature, domestic or wild.

“ANIMAL FIGHTING” The intentional promotion or staging of any animal with the intent that such animal engage in exhibition of fighting or intentional combat with any other animal.

“ANIMAL SHELTER.” Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or of state law.

“AT LARGE.” Any animal shall be deemed “AT LARGE” when it is not under restraint.

“AUCTION.” Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

“CIRCUS.” A commercial variety show featuring animal acts for public entertainment.

“COMMERCIAL ANIMAL ESTABLISHMENT.” Any pet shop, auction, riding school or stable, zoological park, circus, or performing animal exhibition.

“CRUELTY.” The intentional and malicious infliction of physical suffering upon an animal.

“DOMESTIC ANIMAL.” Any animal that is a member of one of the following species:

- (1) Dog
- (2) Cat
- (3) Cattle

- (4) Horse
- (5) Donkey
- (6) Pig
- (7) Sheep
- (8) Goat
- (9) Rabbit
- (10) Mouse
- (11) Rat
- (12) Guinea pig
- (13) Chinchilla
- (14) Hamster
- (15) Gerbil
- (16) Ferret

“HARBORING.” The actions of any person that permit any animal habitually to remain, lodge, or to be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“OWNER.” Any person owning, keeping, or harboring one or more animals.

“PERFORMING ANIMAL EXHIBITION.” Any spectacle, display, act, or event other than circuses, in which performing animals are used.

“PERSON.” Any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

“PETS.” Any animal kept for pleasure rather than utility.

“PET SHOP.” Any person, whether separately or in connection with another business enterprise except for a kennel, that buys, sells, or boards any species of animal.

“PUBLIC NUISANCE.” Any animal or animals that:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property; or
- (4) Bark, whine, or howl in an excessive or continuous fashion.
- (5) Defecate on property other than the owner.

“RESEARCH LABORATORY.” Any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States, Code Section 2132 et seq.

“RESTRAINT.” The securing of an animal by a leash or lead or confining it within the real property limits of its owner.

“RIDING SCHOOL” OR “STABLE.” Any place that has available for hire, boarding, or riding instruction, any horse, pony, donkey, mule, or burro.

“STRAY.” Any animal that does not appear upon reasonable inquiry, to have an owner.

“VETERINARY HOSPITAL.” Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

“VICIOUS ANIMAL.” Any animal that by its behavior constitutes an immediate and serious physical threat to human beings or animals.

“WILD ANIMALS.” Any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds.

“ZOOLOGICAL PARK.” Any facility, other than a pet shop or kennel, displaying, or exhibiting, without the predominant purpose of selling, one or more species of non domesticated animals, operated by a person or government agency.

90.02 RESTRAINT.

All animals shall be kept under restraint. Exception; Dogs used for working or hunting who are on task shall be under voice command of the owner.

90.03 CONTROL OVER ANIMALS; NUISANCE.

No owner shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance.

90.04 SANITARY CONDITIONS; PROPER CARE OF DISEASE OR INJURY.

Every owner of a pet animal within the county shall see that his animal:

(A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement; and every person maintaining an animal pen or animal run shall keep the run or pen clean and sanitary and free from all refuse. Such pen or run shall be thoroughly swept at least once every 48 hours, and it shall be unlawful to permit any decaying food, any animal waste or any refuse of any kind, to remain in such run or pen. Refuse or waste from such pen or run shall, when swept up or collected, be kept in air tight containers until disposed of in accordance with this chapter and any other applicable sections of this code and it shall be unlawful to permit any such refuse to remain uncovered.

(B) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter, shade from the sun and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely; Shall not be tethered by use of any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animals neck, nor by a leash without swivels on both ends or by a chain of such unreasonable weight as to prevent the animal from moving about freely.

(C) Shall provide reasonable necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.

90.05 ABANDONMENT.

No owner of an animal or any other person shall abandon that animal.

90.06 VICIOUS ANIMALS.

Every vicious animal, as determined by the Director of the Muncie Delaware County Animal Shelter, shall be spay or neutered by a veterinarian at the owners expense before being released to the owner. The animal is to be confined by the owner within a building or secure enclosure, which shall include, four sides, a top, no less than four inches of fencing under ground and six feet in height above ground. A sign no less than 3' x 3' shall be displayed on all sides of the enclosure reading (VICIOUS DOG - BEWARE). The enclosure shall be kept padlocked at all times. The enclosure shall be approved by the Director of the Muncie Delaware County Humane Society Animal Shelter. If the animal is kept inside of a home, the animal must be securely muzzled whenever outside of the home for any reason and on a leash with the owner present. The animal shall remain on the property at all times unless being transported to or from a veterinarian. The home shall have signs displayed on all entry doors reading (VICIOUS DOG - BEWARE) the signs shall be of reasonable size so as to be seen and read. An owner of an animal deemed to be vicious shall never transfer ownership of such animal.

90.07 KEEPING WILD ANIMALS; EXCEPTIONS.

(A) No person shall keep or permit to be kept on his premises any wild or vicious animal for any purpose, except as provided in division (B) below.

(B) This section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions, or research laboratories.

90.08 CRUELTY TO ANIMALS; ANIMAL FIGHTING.

When, in the judgment of the Director of the Muncie Delaware County Humane Society Animal Shelter, or his designee, an animal has been treated in a cruel manner or engaged in animal fighting the animal shall be impounded and provided such care as necessary. An owner aggrieved by such action by the Director of the Muncie Delaware County Humane Society Animal Shelter may appeal the action to the appropriate court. Provided, the Director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

90.10 GIVING ANIMALS AS PRIZES.

No person or group of persons shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

90.11 POISONING ANIMALS.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances.

90.12 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the Muncie Delaware County Humane Society Animal Shelter.

90.13 KEEPING OR HARBORING OF LIVESTOCK PROHIBITED; IN CERTAIN RESIDENTIAL AREAS; UNDOMESTICATED ANIMALS.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code, as R-1, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor any livestock or poultry on such property.

(A) For the purposes of this section 90.13 livestock shall mean:

- (1) All cattle, or animals of the bovine species;
- (2) All horses, mules, burros, and asses or animals of the equine species;
- (3) All swine or animals of the porcine species;
- (4) All goats or animal of the caprine species;
- (5) All poultry.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code, as R-1, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor undomesticated animals on such property.

90.14 DISPOSITON OF FUNDS.

All fees, fines or monies collected shall be paid to the Muncie Delaware County Humane Society Animal Shelter. Money so paid shall be used by the Muncie Delaware County Humane Society Animal Shelter to carrying out the provisions of this chapter.

90.25 LICENSE REQUIRED; EXCEPTIONS.

Any person owning, keeping, harboring, or having custody of a dog or cat over FOUR months of age in the jurisdiction of this chapter must obtain a license for it under this subchapter. No license shall be required for seeing eye dogs or special aid dogs for disabled persons.

90.26 OBTAINING LICENSE.

Application for license shall be made at the animal shelter or a veterinarian office designated by the Muncie Delaware County Humane Society Animal Shelter. The application, one per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian, and information whether the applicant or anyone living at the same address has been convicted of cruelty to animals. If the applicant withholds or falsifies any information of the application, the license shall be null and void. No person who has been convicted of cruelty to animals or has someone living at same address will be issued a license. Application for a license must be made when the animal reaches the age of four months. When a person obtains an animal older than four months, a license must be applied for within 15 days.

90.27 TAGS.

Upon acceptance of the license application and fee, there shall be issued to the applicant a durable tag stamped with an identification number and month of expiration. Animals must wear such tags at all times when off the premises of the owner, or on the real property of the owner but not under restraint. The licensing agent shall maintain a record of the identifying number of all tags issued.

90.28 FEES.

(A) A license shall be issued after payment of the applicable fees and the receipt of all application materials. Per year fees shall be as follows:

- (1) For each un neutered male or un spayed female dog or cat \$25.00
- (2) For each neutered male or spayed female dog or cat, \$13.00
- (3) For each neutered male or spayed female dog or cat, with a chip registered with the Muncie Delaware County Animal Shelter, \$10.00

(B) A duplicate license may be obtained for a fee of \$5.00 upon the owner's certifying that the original tag is lost.

90.29 LICENSE PERIOD.

Licenses for dogs and cats shall be for one year from the date of issuance.

90.30 USE OF LICENSE FOR ANOTHER ANIMAL.

No person shall use a license for any other animal than the animal for which it was issued.

90.70 RABIES VACCINATION REQUIRED.

It is unlawful to own or harbor a dog or cat without a valid rabies vaccination in accordance with the State of Indiana IC codes. EXCEPTIONS: An animal of age and physical condition unable to withstand a rabies vaccination must have a licensed veterinarian certificate stating such.

90.71 ANIMALS BITING PERSONS.

If an owned animal has bitten a person, the animal shall, at the owners expense, be quarantined at the Muncie Delaware County Humane Society Animal Shelter or a veterinary hospital located in Delaware County for a period of ten days. If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. The animal must be at a quarantine location within 24 hours of the bite occurrence. Immediately following a bite during the first 24 hours while the animal is awaiting quarantine, the animal must be contained on the owners property within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others. If the bite, as determined by the Director of the Muncie Delaware County Humane Society Animal Shelter is deemed to be vicious, the animal shall be immediately removed from the owner and quarantined at the Muncie Delaware County Humane Society Animal Shelter. A bite is determined by the opening of skin. If an owned animal has bitten a person and the animal has not been properly vaccinated or licensed under this chapter the fines for such shall double. If the owner of such animal does not reclaim the animal after the quarantine period, the Animal Shelter shall destroy the animal at the owners expense. EXCEPTIONS: If an owned animal has a valid rabies vaccination, it shall be quarantined on the owners property contained within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others.

90.72 DISPOSITION OF EXPOSED ANIMALS.

Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six months at the owner's expense or be destroyed.

90.73 DUTIES OF OWNER OF SUSPECT ANIMAL.

It is unlawful for any owner knowing an animal to have rabies to allow such an animal to leave his premises, except to be taken to a veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the appropriate law enforcement agency or the Muncie Delaware County Humane Society Animal Shelter.

90.74 EUTHANIZATION OF STRAY ANIMALS.

If a stray animal has bitten a person it shall be quarantined in the Muncie Delaware County Humane Society Animal Shelter for a period of ten days. At the end of the period, if unclaimed, the animal shall be euthanized.

IMPOUNDMENT

90.80 ANIMALS TO BE IMPOUNDED; PERIOD OF IMPOUNDMENT.

(A) At-large animals, nuisance animals, and animals which have bitten persons may be taken by law enforcement or animal control officers and impounded in the Muncie Delaware County Humane Society Animal Shelter.

(B) In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this chapter, the law enforcement officer or animal control officer may issue to the known owner of such animal a notice of ordinance violation.

90.81 JURISDICTION OF HUMANE SOCIETY FOR IMPOUNDMENT.

The jurisdiction of the Muncie Delaware Humane Society for purposes of enforcing this subchapter shall include, all areas under the jurisdiction of this chapter.

90.82 NOTICE OF IMPOUNDMENT.

If by a license tag or other means the owner of an impounded animal can be identified, the Muncie Delaware County Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five nights from impoundment before becoming the property of the Muncie Delaware County Humane Society. Animals that are the property of the Muncie Delaware County Humane Society may be placed for adoption or if deemed necessary humanely euthanized.

90.83 RECLAIMATION OF IMPOUNDED ANIMALS.

(A) An owner reclaiming an impounded dog or cat shall pay a board fee as determined by the Muncie Delaware County Humane Society for each day the dog or cat was impounded, in addition to any fines due for any violations of this chapter. An owner reclaiming an impounded animal other than a dog or cat shall pay a board fee in keeping with the size and needed care of the animal in addition to any fines due for any violation of this chapter.

(B) An owner reclaiming an impounded animal that is not under the jurisdiction of this chapter shall pay, in addition to the board as determined by the Muncie Delaware County Humane Society for each day the animal was impounded, a fee of \$20 the first time the animal is reclaimed, with the fee increasing by an increment of \$20 each subsequent time the animal is reclaimed, not to exceed \$200. In the event the animal is not impounded for a period of 12 consecutive months, the fee for reclamation after that period shall be \$20, with the fee increasing by an increment of \$20 each subsequent time the animal is impounded, not to exceed \$200.

90.95 DUTIES, JURISDICTION, AND POWERS OF THE MUNCIE DELAWARE COUNTY HUMANE SOCIETY.

The Muncie Delaware County Humane Society, its agents and employees, shall carry out and supervise the enforcement of this chapter within the areas set forth in the service contract. All those powers ordinary and necessary to carry out their duties shall be vested in them. These powers shall specifically include, but not be limited to the power to issue a notice of ordinance violation for certain violations of this chapter, and the power to enter private real property in fresh pursuit of an animal to enforce this chapter.

90.96 INTERFERENCE WITH THE MUNCIE DELAWARE COUNTY HUMANE SOCIETY ANIMAL CONTROL OFFICER.

No person shall forcibly assault, resist, oppose, obstruct, prevent, impede, or interfere with any Muncie Delaware County Humane Society Animal Control officer while that officer is engaged in the execution of any duties required of animal control officers under this chapter.

90.998 VIOLATION PROCEDURE.

Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in 90.999 may, at the discretion of the animal owner, be paid at the animal shelter within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the appropriate Court.

90.999 PENALTY.

(A) Persons who violate any provision of this chapter for which another penalty has not been provided shall be subject to a fine \$20 for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of \$20, not to exceed \$200. In the event the person has no additional violations of this chapter for a period of 12 consecutive months, the fine for any violation of this chapter after that period shall be \$20 for the first offense, with the fine for each subsequent offense increasing by an increment of \$20, not to exceed \$200.

(B) Persons who violate any provision of 90.06 shall be subject to a fine of \$500 and have such animal removed from them and humanely euthanized.

(C) Persons who violate any provision of 90.05, 90.11, and 90.13 shall be subject to a fine of up to \$100 for each offense.

(D) Persons who violate any provision of 90.12 shall be subject to a fine of up to \$25 for each offense.

(E) Unless otherwise provided for by state statute, persons who violate any provision of 90.70 and 90.73 shall be subject to a fine of up to \$100 for each offense.

(F) Persons who violate any provision of 90.96, 90.08 shall be fined not more than \$1,000

(G) Persons who violate any provision of 90.71 shall be subject to a fine of \$250.00 and have such animal immediately removed from them and quarantined at the Muncie Delaware County Humane Society Animal Shelter.

Delaware County Ordinances:

**ANIMAL CONTROL ORDINANCES
2008**

CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“AMATEUR BREEDER.” Any person, not a commercial animal establishment, who allows his dog or cat to breed with another and does not keep the offspring.

“ANIMAL.” Any live, nonhuman vertebrate creature, domestic or wild.

“ANIMAL FIGHTING” The intentional promotion or staging of any animal with the intent that such animal engage in exhibition of fighting or intentional combat with any other animal.

“ANIMAL SHELTER.” Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or of state law.

“AT LARGE.” Any animal shall be deemed “AT LARGE” when it is not under restraint.

“AUCTION.” Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

“CIRCUS.” A commercial variety show featuring animal acts for public entertainment.

“COMMERCIAL ANIMAL ESTABLISHMENT.” Any pet shop, auction, riding school or stable, zoological park, circus, or performing animal exhibition.

“CRUELTY.” The intentional and malicious infliction of physical suffering upon an animal.

“DOMESTIC ANIMAL.” Any animal that is a member of one of the following species:

- (1) Dog
- (2) Cat

- (3) Cattle
- (4) Horse
- (5) Donkey
- (6) Pig
- (7) Sheep
- (8) Goat
- (9) Rabbit
- (10) Mouse
- (11) Rat
- (12) Guinea pig
- (13) Chinchilla
- (14) Hamster
- (15) Gerbil
- (16) Ferret

“HARBORING.” The actions of any person that permit any animal habitually to remain, lodge, or to be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“OWNER.” Any person owning, keeping, or harboring one or more animals.

“PERFORMING ANIMAL EXHIBITION.” Any spectacle, display, act, or event other than circuses, in which performing animals are used.

“PERSON.” Any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

“PETS.” Any animal kept for pleasure rather than utility.

“PET SHOP.” Any person, whether separately or in connection with another business enterprise except for a kennel, that buys, sells, or boards any species of animal.

“PUBLIC NUISANCE.” Any animal or animals that:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property; or
- (4) Bark, whine, or howl in an excessive or continuous fashion.
- (5) Defecate on property other than the owner.

“RESEARCH LABORATORY.” Any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States, Code Section 2132 et seq.

“RESTRAINT.” The securing of an animal by a leash or lead or confining it within the real property limits of its owner.

“RIDING SCHOOL” OR “STABLE.” Any place that has available for hire, boarding, or riding instruction, any horse, pony, donkey, mule, or burro.

“STRAY.” Any animal that does not appear upon reasonable inquiry, to have an owner.

“VETERINARY HOSPITAL.” Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

“VICIOUS ANIMAL.” Any animal that by its behavior constitutes an immediate and serious physical threat to human beings or animals.

“WILD ANIMALS.” Any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds.

“ZOOLOGICAL PARK.” Any facility, other than a pet shop or kennel, displaying, or exhibiting, without the predominant purpose of selling, one or more species of non domesticated animals, operated by a person or government agency.

90.02 RESTRAINT.

All animals shall be kept under restraint. Exception; Dogs used for working or hunting who are on task shall be under voice command of the owner.

90.03 CONTROL OVER ANIMALS; NUISANCE.

No owner shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance.

90.04 SANITARY CONDITIONS; PROPER CARE OF DISEASE OR INJURY.

Every owner of a pet animal within the county shall see that his animal:

(A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement; and every person maintaining an animal pen or animal run shall keep the run or pen clean and sanitary and free from all refuse. Such pen or run shall be thoroughly swept at least once every 48 hours, and it shall be unlawful to permit any decaying food, any animal waste or any refuse of any kind, to remain in such run or pen. Refuse or waste from such pen or run shall, when swept up or collected, be kept in air tight containers until disposed of in accordance with this chapter and any other applicable sections of this code and it shall be unlawful to permit any such refuse to remain uncovered.

(B) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter, shade from the sun and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely; Shall not be tethered by use of any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animals neck, nor by a leash without swivels on both ends or by a chain of such unreasonable weight as to prevent the animal from moving about freely.

(C) Shall provide reasonable necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.

90.05 ABANDONMENT.

No owner of an animal or any other person shall abandon that animal.

90.06 VICIOUS ANIMALS.

Every vicious animal, as determined by the Director of the Muncie Delaware County Animal Shelter, shall be spay or neutered by a veterinarian at the owners expense before being released to the owner. The animal is to be confined by the owner within a building or secure enclosure, which shall include, four sides, a top, no less than four inches of fencing under ground and six feet in height above ground. A sign no less than 3' x 3' shall be displayed on all sides of the enclosure reading (VICIOUS DOG - BEWARE). The enclosure shall be kept padlocked at all times. The enclosure shall be approved by the Director of the Muncie Delaware County Humane Society Animal Shelter. If the animal is kept inside of a home, the animal must be securely muzzled whenever outside of the home for any reason and on a leash with the owner present. The animal shall remain on the property at all times unless being transported to or from a veterinarian. The home shall have signs displayed on all entry doors reading (VICIOUS DOG - BEWARE) the signs shall be of reasonable size so as to be seen and read. An owner of an animal deemed to be vicious shall never transfer ownership of such animal.

90.07 KEEPING WILD ANIMALS; EXCEPTIONS.

(A) No person shall keep or permit to be kept on his premises any wild or vicious animal for any purpose, except as provided in division (B) below.

(B) This section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions, or research laboratories.

90.08 CRUELTY TO ANIMALS; ANIMAL FIGHTING.

When, in the judgment of the Director of the Muncie Delaware County Humane Society Animal Shelter, or his designee, an animal has been treated in a cruel manner or engaged in animal fighting the animal shall be impounded and provided such care as necessary. An owner aggrieved by such action by the Director of the Muncie Delaware County Humane Society Animal Shelter may appeal the action to the appropriate court. Provided, the Director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

90.10 GIVING ANIMALS AS PRIZES.

No person or group of persons shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

90.11 POISONING ANIMALS.

No person shall expose any known poisonous substance, whether mixed with food or

not, so that it shall be liable to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances.

90.12 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the Muncie Delaware County Humane Society Animal Shelter.

90.13 KEEPING OR HARBORING OF LIVESTOCK PROHIBITED; IN CERTAIN RESIDENTIAL AREAS; UNDOMESTICATED ANIMALS.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code, as R-1, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor any livestock or poultry on such property.

(A) For the purposes of this section 90.13 livestock shall mean:

- (1) All cattle, or animals of the bovine species;
- (2) All horses, mules, burros, and asses or animals of the equine species;
- (3) All swine or animals of the porcine species;
- (4) All goats or animal of the caprine species;
- (5) All poultry.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code,, as R-1, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor undomesticated animals on such property.

90.14 DISPOSITON OF FUNDS.

All fees, fines or monies collected shall be paid to the Muncie Delaware County Humane Society Animal Shelter. Money so paid shall be used by the Muncie Delaware County Humane Society Animal Shelter to carrying out the provisions of this chapter.

LICENSING

90.25 LICENSE REQUIRED; EXCEPTIONS.

Any person owning, keeping, harboring, or having custody of a dog or cat over FOUR months of age in the jurisdiction of this chapter must obtain a license for it under this subchapter. No license shall be required for seeing eye dogs or special aid dogs for disabled persons.

90.26 OBTAINING LICENSE.

Application for license shall be made at the animal shelter or a veterinarian office designated by the Muncie Delaware County Humane Society Animal Shelter. The application, one per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian, and information whether the applicant or anyone living at the same address has been convicted of cruelty to animals. If the applicant withholds or falsifies any information of the application, the license shall be null and void. No person who has been convicted of cruelty to animals or has someone living at same address will be issued a license. Application for a license must be made when the animal reaches the age of four months. When a person obtains an animal older than four months, a license must be applied for within 15 days.

90.27 TAGS.

Upon acceptance of the license application and fee, there shall be issued to the applicant a durable tag stamped with an identification number and month of expiration. Animals must wear such tags at all times when off the premises of the owner, or on the real property of the owner but not under restraint. The licensing agent shall maintain a record of the identifying number of all tags issued.

90.28 FEES.

(A) A license shall be issued after payment of the applicable fees and the receipt of all application materials. Per year fees shall be as follows:

- (1) For each un neutered male or un spayed female dog or cat \$25.00
- (2) For each neutered male or spayed female dog or cat, \$13.00
- (3) For each neutered male or spayed female dog or cat, with a chip registered with the Muncie Delaware County Animal Shelter, \$10.00

(B) A duplicate license may be obtained for a fee of \$5.00 upon the owner's certifying that the original tag is lost.

90.29 LICENSE PERIOD.

Licenses for dogs and cats shall be for one year from the date of issuance.

90.30 USE OF LICENSE FOR ANOTHER ANIMAL.

No person shall use a license for any other animal than the animal for which it was issued.

90.70 RABIES VACCINATION REQUIRED.

It is unlawful to own or harbor a dog or cat without a valid rabies vaccination in accordance with the State of Indiana IC codes. EXCEPTIONS: An animal of age and physical condition unable to withstand a rabies vaccination must have a licensed veterinarian certificate stating such.

90.71 ANIMALS BITING PERSONS.

If an owned animal has bitten a person, the animal shall, at the owners expense, be quarantined at the Muncie Delaware County Humane Society Animal Shelter or a veterinary hospital located in Delaware County for a period of ten days. If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. The animal must be at a quarantine location within 24 hours of the bite occurrence. Immediately following a bite during the first 24 hours while the animal is awaiting quarantine, the animal must be contained on the owners property within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others. If the bite, as determined by the Director of the Muncie Delaware County Humane Society Animal Shelter is deemed to be vicious, the animal shall be immediately removed from the owner and quarantined at the Muncie Delaware County Humane Society Animal Shelter. A bite is determined by the opening of skin. If an owned animal has bitten a person and the animal has not been properly vaccinated or licensed under this chapter the fines for such shall double. If the owner of such animal does not reclaim the animal after the quarantine period, the Animal Shelter shall destroy the animal at the owners expense. EXCEPTIONS: If an owned animal has a valid rabies vaccination, it shall be quarantined on the owners property contained within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others.

90.72 DISPOSITION OF EXPOSED ANIMALS.

Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six months at the owner's expense or be destroyed.

90.73 DUTIES OF OWNER OF SUSPECT ANIMAL.

It is unlawful for any owner knowing an animal to have rabies to allow such an animal

to leave his premises, except to be taken to a veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the appropriate law enforcement agency or the Muncie Delaware County Humane Society Animal Shelter.

90.74 EUTHANIZATION OF STRAY ANIMALS.

If a stray animal has bitten a person it shall be quarantined in the Muncie Delaware County Humane Society Animal Shelter for a period of ten days. At the end of the period, if unclaimed, the animal shall be euthanized.

IMPOUNDMENT

90.80 ANIMALS TO BE IMPOUNDED; PERIOD OF IMPOUNDMENT.

(A) At-large animals, nuisance animals, and animals which have bitten persons may be taken by law enforcement or animal control officers and impounded in the Muncie Delaware County Humane Society Animal Shelter.

(B) In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this chapter, the law enforcement officer or animal control officer may issue to the known owner of such animal a notice of ordinance violation.

90.81 JURISDICTION OF HUMANE SOCIETY FOR IMPOUNDMENT.

The jurisdiction of the Muncie Delaware Humane Society for purposes of enforcing this subchapter shall include, all areas under the jurisdiction of this chapter.

90.82 NOTICE OF IMPOUNDMENT.

If by a license tag or other means the owner of an impounded animal can be identified, the Muncie Delaware County Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five nights from impoundment before becoming the property of the Muncie Delaware County Humane Society. Animals that are the property of the Muncie Delaware County Humane Society may be placed for adoption or if deemed necessary humanely euthanized.

90.83 RECLAMATION OF IMPOUNDED ANIMALS.

(A) An owner reclaiming an impounded dog or cat shall pay a board fee as determined by the Muncie Delaware County Humane Society for each day the dog or cat was impounded, in addition to any fines due for any violations of this chapter. An owner reclaiming an impounded animal other than a dog or cat shall pay a board fee in keeping with the size and

needed care of the animal in addition to any fines due for any violation of this chapter.

(B) An owner reclaiming an impounded animal that is not under the jurisdiction of this chapter shall pay, in addition to the board as determined by the Muncie Delaware County Humane Society for each day the animal was impounded, a fee of \$20 the first time the animal is reclaimed, with the fee increasing by an increment of \$20 each subsequent time the animal is reclaimed, not to exceed \$200, In the event the animal is not impounded for a period of 12 consecutive months, the fee for reclamation after that period shall be \$20, with the fee increasing by an increment of \$20 each subsequent time the animal is impounded, not to exceed \$200.

90.95 DUTIES, JURISDICTION, AND POWERS OF THE MUNCIE DELAWARE COUNTY HUMANE SOCIETY.

The Muncie Delaware County Humane Society, its agents and employees, shall carry out and supervise the enforcement of this chapter within the areas set forth in the service contract. All those powers ordinary and necessary to carry out their duties shall be vested in them. These powers shall specifically include, but not be limited to the power to issue a notice of ordinance violation for certain violations of this chapter, and the power to enter private real property in fresh pursuit of an animal to enforce this chapter.

90.96 INTERFERENCE WITH THE MUNCIE DELAWARE COUNTY HUMANE SOCIETY ANIMAL CONTROL OFFICER.

No person shall forcibly assault, resist, oppose, obstruct, prevent, impede, or interfere with any Muncie Delaware County Humane Society Animal Control officer while that officer is engaged in the execution of any duties required of animal control officers under this chapter.

90.998 VIOLATION PROCEDURE.

Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in 90.999 may, at the discretion of the animal owner, be paid at the animal shelter within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the appropriate Court.

90.999 PENALTY.

(A) Persons who violate any provision of this chapter for which another penalty has not been provided shall be subject to a fine \$20 for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of \$20, not to exceed \$200. In the event the person has no additional violations of this chapter for a period of 12 consecutive months, the fine for any violation of this chapter after that period shall be \$20 for the first offense, with the fine for each subsequent offense increasing by an increment of \$20, not to ex-

ceed \$200.

(B) Persons who violate any provision of 90.06 shall be subject to a fine of \$500 and have such animal removed from them and humanely euthanized.

(C) Persons who violate any provision of 90.05, 90.11, and 90.13 shall be subject to a fine of up to \$100 for each offense.

(D) Persons who violate any provision of 90.12 shall be subject to a fine of up to \$25 for each offense.

(E) Unless otherwise provided for by state statute, persons who violate any provision of 90.70 and 90.73 shall be subject to a fine of up to \$100 for each offense.

(F) Persons who violate any provision of 90.96, 90.08 shall be fined not more than \$1,000

(G) Persons who violate any provision of 90.71 shall be subject to a fine of \$250.00 and have such animal immediately removed from them and quarantined at the Muncie Delaware County Humane Society Animal Shelter.

Muncie Delaware County Humane Society Board of Directors

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